



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,343	11/20/2003	James William Anderson	RPS920030124US1	1239
56102	7590	04/15/2009		
IBM (RPS-BLF)				
c/o BIGGERS & OHANIAN, LLP				
P.O. BOX 1469				
AUSTIN, TX 78767-1469				
EXAMINER				
LIU, LIN				
ART UNIT		PAPER NUMBER		
2445				
MAIL DATE		DELIVERY MODE		
04/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/718,343

Applicant(s)

ANDERSON ET AL.

Examiner

LIN LIU

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/28/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This office action is responsive to communications filed on 01/28/2009.
2. Claims 1 and 3-8 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/28/2009 has been entered.

Claim Objections

4. Claim 3 is objected to because of the following informalities:

Since claim 2 is cancelled. Applicant should amend claim 3 to depend on the correct claim. For the purpose of examination, the examiner assumes that claim 3 depends on claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Cochran et al. (publication no.: US 2002/0161867 A1)**.

With respect to **claim 1**, Cochran teaches a method for automatically configuring devices in a network (Cochran, fig. 1), comprising:

the method associating preconfigured defined policy settings with physical locations in the network, the preconfigured defined policy settings associated with each physical location in the network being usable to configure network devices at the physical location to function on the network (Cochran: page 3, paragraphs 31 & 33, page 4 paragraphs 35, 37-38 and page 5, paragraph 41. noted that since the device configuration assembly 12 is used to detect and configure new network device discovered, it is an inherent feature that it has some type of *policy settings* in performing such method.);

automatically detecting when a new network device is plugged into the network (Cochran, page 4, paragraph 38, noted that configuration assembly 12 automatically identifies new computing devices);

automatically determining a physical location of the network device in the network (Cochran, page 5 paragraph 41, noted the identification system for physically locating the computing device); and

automatically configuring the network device based on the preconfigured policy settings associated with the physical location of the new network device (Cochran, page 5, paragraph 40, noted that once the desired computing device has been identified, it is automatically configured), wherein associating preconfigured policy settings with physical locations in the network further comprises displaying a configuration screen that allows the user to create different policy settings that specify what configuration actions are to be taken (Cochran, fig 3, and page 5, paragraphs 40 & 42 and page 6, paragraphs 44-45, noted the user interface 132).

With respect to **claim 3**, Cochran teaches the method of claim 2 wherein associating preconfigured policy settings with physical locations in the network further comprises: saving the policy settings in a database (Cochran, pages 4-5, paragraph 39).

With respect to **claim 8**, Cochran teaches the method of claim 1 wherein automatically configuring the new network device based on the preconfigured policy settings associated with the physical location of the new network device further comprising: retrieving from a database the preconfigured policy settings associated with the physical location of the new network device (Cochran, page 6, paragraph 47, noted that once the network device is detected, it is automatically configured. Which implies

that the configuration assembly 12 has retrieved the configuration setting from the database 120).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cochran et al. (publication no.: US 2002/0161867 A1)** in view of **Simpson et al. (Publication no.: US 2003/0014529 A1)**.

With respect to **claim 4**, Cochran teaches all the claimed limitations except that he does not explicitly teach the method of detecting and locating the network device by transmitting SNMP queries.

In the same field of endeavor, Simpson teaches the method of detecting and locating the network device by transmitting SNMP queries (Simpson, page 4, paragraph 38).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of detecting and locating the network device by transmitting SNMP queries as taught by Simpson in Cochran's invention in order to use the benefit of the standard protocol.

With respect to **claim 5**, Cochran teaches the method of claim 4 wherein automatically detecting when a new network device is plugged into the network further comprises: determining which port on the network the device is plugged into (Cochran, pages 3-4, paragraph 34, noted the TCP/IP port).

With respect to **claim 6**, Cochran teaches the method of claim 5 wherein automatically detecting when a new network device is plugged into the network further comprises: detecting any combination of newly added devices including routers, switches, computers, and server blades (Cochran, page 4, paragraphs 37-38).

With respect to **claim 7**, Cochran teaches the method of claim 6 wherein automatically detecting when a new network device is plugged into the network further comprises: detecting processor blades and switches added to existing server blades (Cochran, page 4, paragraphs 37-38, noted the servers).

Response to Arguments

10. Applicant's arguments filed 01/28/2009 have been fully considered but they are not persuasive.

11. After carefully reviewing the Applicant's remarks, the following is a list of Applicant's main concerns on the previous Office Action:

a. On page 5, paragraph 2 of Applicant's remark, Applicant argues that Cochran fails to disclose "...a configuration screen that allows the user to create different policy settings that specify what configuration actions are to be taken." Cochran does not anticipate nor disclose the elements of the claimed invention, nor does Cochran teach, suggest or motivate toward the claimed invention."

12. In response to applicant's argument **a**, the examiner respectfully disagrees. Cochran explicitly teaches that an user interface for the device assembly 12, which allows the user to interactively select desired features and perform various other operations to facilitate the configuration of the desired device (Cochran: page 5, paragraphs 40 & 42 and page 6, paragraphs 44 & 45). The examiner reasonably equates the "different policy settings" as "performing various other operations to facilitate the configuration of the desired device" of Cochran.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Day et al. (PGPUB: US 2002/0095487 A1) discloses a method for registering, locating and identifying network equipment.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/Patrice Winder/
Primary Examiner, Art Unit 2445